

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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CONSTANCE JACKSON and GWEN  
KASZYNSKI, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

SCHELL & KAMPETER, INC. d/b/a  
DIAMOND PET FOODS, and DIAMOND  
PET FOODS INC.,

Defendants.

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: Case Number: 1:19-CV-01459  
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: Hon. John Z. Lee  
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**JOINT STATUS REPORT**

Pursuant to the parties' Agreed Motion to Stay (Dkt. 32) and the Court's May 14, 2019 order (Dkt. 35), the parties submit this Joint Status Report.

1. This is the second filed case of two overlapping actions pending in federal court against Defendant.
2. The United States District Court for the Eastern District of California was the first to acquire jurisdiction on August 28, 2018 when *Classick v. Schell & Kampeter, Inc., et al.*, No. 2:18-cv-02344-JAM-AC ("*Classick*") was filed. *Classick* encompasses the same underlying facts, claims and the proposed nationwide class asserted in this action, as well as largely the same law firms and lawyers representing the Plaintiffs and Defendants in this case.
3. On May 13, 2019, in accordance with the first-to-file doctrine and the exercise of this Court's inherent powers, the parties filed an Agreed Motion to Stay this matter based on the overlapping claims in *Classick* and this action. Paragraph 8 of the Agreed Motion to Stay

requested a stay of this matter until the earlier of disposition of the nationwide class claims in *Classick* or February 28, 2020. *See* Dkt. 32.

4. On May 14, 2019, the Court entered an order granting the Agreed Motion to Stay. Dkt. 35.

5. Following resolution of Diamond's two motions to dismiss, Diamond filed its answer to Mr. Classick's third amended class action complaint on August 30, 2019. The *Classick* parties are currently engaged in written discovery and document production with a proposed deadline to file a motion for class certification on July 17, 2020.

6. Accordingly, to conserve the parties' and the Court's resources, the parties have conferred and agree to jointly request the Court to extend the stay of this matter to October 30, 2020.

7. Within 14 days of either the disposition of the nationwide class claims in *Classick*, or October 30, 2020, whichever comes first, the parties will file a joint status report addressing whether this litigation should be subject to a continued stay, dismissal, or issuance of a proposed schedule.

8. This request for an extension of the stay is brought in good faith and not for purposes of undue delay or any other improper purpose.

Dated: February 28, 2020

Respectfully submitted,

By: /s/ Rebecca A. Peterson

By: /s/ Matthew C. Wolfe

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**CERTIFICATE OF SERVICE**

I, Matthew C. Wolfe , an attorney, hereby certify that on **February 28, 2020**, I caused a true and correct copy of the foregoing **JOINT STATUS REPORT** to be served on counsel of record via the Court's ECF system pursuant to the General Order on Electronic Filing of the United States District Court, Northern District of Illinois.

/s/ Matthew C. Wolfe